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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,612	12/04/2003	Akiyoshi Chosokabe	Q78605	5767
23373	7590	01/14/2009	EXAMINER	
SUGHRUE MION, PLLC			HARPER, TRAMAR YONG	
2100 PENNSYLVANIA AVENUE, N.W.				
SUITE 800			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20037			3714	
			MAIL DATE	DELIVERY MODE
			01/14/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte AKIYOSHI CHOSOKABE

Application No. 10/726,612
Technology Center 3714

Mailed: January 14, 2009

Before DELORES LOWE, *Review Team Paralegal*
LOWE, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on January 5, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

EXAMINER'S ANSWER

NEW GROUND OF REJECTION

On January 1, 2008, an Examiner's Answer was mailed. The Examiner's Answer included a new ground of rejection, where claims 6-11 are rejected under 35 U.S.C. 101.

When a new ground of rejection is introduced in the Examiner's Answer, the Examiner is required to obtain approval of the Technology Center Director or his/her designee.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- (1) either vacate the Examiner's Answer mailed January 1, 2008, or revise the Examiner's Answer by acquiring the Technology Center Director's approval on such;
- (2) have a complete copy of the revised Examiner's Answer scanned into the record if applicable; and

(3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

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